

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**GreenHouse International, LLC**

**Plaintiff,**

**v.**

**Moulton Logistics Management, Inc.**

**Defendant.**

**C.A. No. 1:07-cv-00722-GMS-LPS**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S NOTICE OF NEW SUPPLEMENTAL AUTHORITY**

Plaintiff GreenHouse International, LLC (“GreenHouse”) hereby supplements the briefs relating to Moulton’s Motion to Stay (D.I. 5) and GreenHouse’s Motion to Enjoin (D.I. 8).

On Wednesday, March 12, 2008, the Superior Court for the State of California, in a concurrent copending case between the parties involving the issues here, entered judgment denying Moulton’s petition to compel arbitration. The judgment is attached hereto as Exhibit A. The California Superior Court held that “that the Delaware Federal Action seeks injunctive relief and therefore the subject matter of the Delaware Federal Action is exempt from arbitration.”

GreenHouse respectfully suggests that the Court may consider this new information in determining the pending motions.

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Respectfully Submitted,

DATE: March 14, 2008

WOMBLE CARLYLE SANDRIDGE &  
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/s/ James M. Lennon

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*GreenHouse International, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I hereby certify that on March 14, 2008, a copy of the foregoing notice and exhibit was electronically filed with the Clerk of the Court using CM/ECF and served on the following in the manner indicated :

**VIA CM/ECF ELECTRONIC DELIVERY**

Joseph James Bellew  
Cozen & O'Connor  
Chase Manhattan Centre  
1201 North Market St., Suite 1400  
Wilmington, DE 19801

This 14<sup>th</sup> day of March, 2008.

/s/ James M. Lennon  
James M. Lennon (DE # 4570)

# EXHIBIT A

(SPACE BELOW FOR FILING STAMP ONLY)

ORIGINAL FILED  
Los Angeles Superior Court

MAR 12 2008

John A. Siper, Clerk  
By Kenneth Siper, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, NORTHWEST DISTRICT

MOULTON LOGISTICS  
MANAGEMENT, INC.

Petitioner/Defendant,

v.

GREENHOUSE INTERNATIONAL, LLC,

Respondent/Plaintiff.

CASE NO. LC080008

Hon. James A. Kaddo, Dept. I

~~[PROPOSED]~~ JUDGMENT

Petitioner Moulton Logistics Management, Inc., ("Moulton") petitioned this Court to stay an action brought by Respondent Greenhouse International, LLC ("Greenhouse") in the United States District Court for the District of Delaware ("the Delaware Federal Action") and order the parties to arbitrate the subject of the Delaware Federal Action pursuant to the arbitration clause of a fulfillment services agreement between the parties ("the Parties' Agreement"). Both the complaint in the Delaware Federal Action and the Parties' Agreement are attached to the Petition.

The Court heard Petitioner's motion to stay and compel arbitration on February 20, 2008. The Court denied the motion. The Court finds that the Delaware Federal Action seeks injunctive relief and therefore the subject matter of the Delaware Federal Action is exempt from arbitration.

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1           **IT IS HEREBY ORDERED** that judgment in this action is entered in favor of  
2 Respondent Greenhouse International LLC, and against Petitioner Moulton Logistics Management,  
3 Inc.

4  
5 DATED: MAR 12 2008

**JAMES A. KADDO**  
\_\_\_\_\_  
Hon. James A. Kaddo  
JUDGE OF THE SUPERIOR COURT